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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 LISA NOVAK and PATRICK NOVAK, as 12 the heirs and representative of the decedent, Michael Robert Novak	No. 1:20-cv-00301-DAD-SKO
13 Plaintiff,	ORDER DIRECTING THE CLERK TO 14 v.	TERMINATE DEFENDANT KAYLA CLARK
15	(Doc. 28)

16 CITY OF MADERA, a municipal entity of
   the State of California, KAYLA CLARK,
17 DORIAN LASSO, ROBERT MAHONEY,
   and ANTHONY MARTINEZ and DOES 1
18 through 10 inclusive,	

19 Defendants.	
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22   On September 14, 2021, the parties filed a Stipulation for Dismissal with Prejudice of

23 Defendant Kayla Clark, pursuant to Federal Rule of Civil Procedure 41(a). (Doc. 28.)

      In relevant part, Rule 41(a)(1)(A) provides as follows:
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25   [A] plaintiff may dismiss an action without a court order by filing: (i) a notice of
      dismissal before the opposing party serves either an answer or a motion for
26   summary judgment; or (ii) a stipulation of dismissal signed by all parties who have
      appeared.
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28 Fed. R. Civ. P. 41(a)(1)(A). "The plaintiff may dismiss some or all of the defendants, or some or

1   all of his claims, through a Rule 41(a)(1) notice," and the dismissal "automatically terminates the

2   action as to the defendants who are the subjects of the notice." *Wilson v. City of San Jose*, 111

3   F.3d 688, 692 (9th Cir. 1997).

4   　　　Because the parties filed a stipulation of dismissal with prejudice under Rule 41(a), this case

5   has automatically terminated as to Defendant Kayla Clark.   Fed. R. Civ. P. 41(a)(1)(A).

6   Accordingly, the Clerk of the Court is directed to TERMINATE Defendant Kayla Clark.

7   　　　This case shall remain OPEN pending resolution of Plaintiff's case against the remaining

8   defendants.

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10   IT IS SO ORDERED.

11   Dated: **September 20, 2021**   /s/ *Sheila K. Oberto*

12   UNITED STATES MAGISTRATE JUDGE

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